

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

-----X	:	
In re:	:	Chapter 7
	:	
RFS ECUSTA INC. and	:	Case Nos. 03-10358 (GRH)
RFS US INC.,	:	and 03-10360 (GRH)
	:	
Debtors.	:	(Jointly Administered)
-----X	:	
LANGDON M. COOPER,	:	
as Chapter 7 Trustee for the estates of	:	
RFS ECUSTA INC. and RFS US INC., NATHU	:	
RAM PURI, UPENDRA K. PURI, AJAY	:	
BADHWAR, and STEVEN H. SMITH,	:	Case No. 3:06 - cv - 312
	:	
Plaintiffs,	:	
	:	
v.	:	<u>STIPULATION AND ORDER</u>
	:	
CNA FINANCIAL CORPORATION,	:	
COLUMBIA CASUALTY COMPANY, and	:	
ZURICH AMERICAN INSURANCE	:	
COMPANY,	:	
	:	
Defendants.	:	
-----X	:	

WHEREAS, on July 28, 2006 Plaintiffs filed a Complaint against the Defendants commencing the above-captioned action (the "Complaint");

WHEREAS, Rule 4(m) of the Federal Rules of Civil Procedure (the "Rules") provides that a summons and complaint shall be served within 120 days after the filing of the complaint or such later date as the court may direct upon a showing of good cause;

WHEREAS, under Rule 4(m) the deadline to serve the Complaint was November 27, 2006;

WHEREAS, pursuant to the Stipulation and Order entered by this Court on November 15, 2006, Plaintiffs' time to serve the Complaint was extended to and including December 22, 2006; and

WHEREAS, Plaintiffs and Defendants CNA Financial Corp. ("CNA") and Columbia Casualty Co. ("Columbia") are exploring whether litigation of Plaintiffs claims may be avoided.

NOW THEREFORE, it is Stipulated and Agreed by Plaintiffs and Defendants, acting through their respective counsel, as follows:

1. Plaintiffs' time to serve the Complaint is extended to and including January 26, 2006;
2. The Complaint may be served by Plaintiffs by overnight mail on the undersigned counsel for Defendants CNA and Columbia, who have expressly agreed to accept service on behalf of CNA and Columbia.
3. Other than as set forth herein, this Stipulation and Order is fully without prejudice to the rights and claims of the parties in this action.

Dated: Charlotte, North Carolina

December 19, 2006

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COZEN O'CONNER

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Counsel to Defendants CNA Financial
Corporation and Columbia Casualty Company

CONSENTED AND AGREED TO BY:

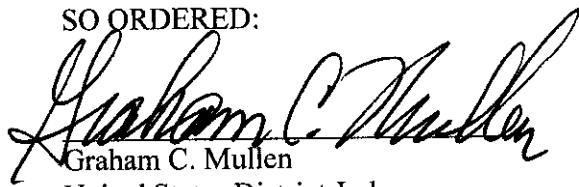
ROSS DIXON & BELL, LLP

By: /s/ Teah R. Lupton

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Counsel for Zurich American Insurance Co.

SO ORDERED:


Graham C. Mullen

United States District Judge

20 Dec 2006